

TENNESSEE STATE BOARD OF EDUCATION		
TRANSPORTATION		3400
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Each authorized charter school shall provide transportation in accordance with its charter agreement. If a school elects to provide transportation for its pupils as a part of its charter agreement, the school shall receive the additional transportation component as a part of the BEP payments received from the State Board. The transportation shall be provided by the school or by agreement with the district in which the school is located in accordance with T.C.A § 49-6-21. If a school elects not to provide transportation for its pupils, the school shall not receive the additional transportation component of the BEP. All schools shall provide transportation to students if required by a student's Individualized Education Program (IEP).

For pupils who reside outside the school district in which the charter school is located and who have been approved by the governing board of a charter school to attend that school, the school is not required to provide or pay for transportation. At the time a pupil enrolls in a charter school, the school shall provide the child's parent or guardian with information regarding transportation.

Both the charter school and the district in which the school is located shall include in their annual reports what transportation plans are in effect for charter schools.ⁱ

FOR CHARTER SCHOOLS ELECTING TO PROVIDE TRANSPORTATION

Bus Regulations.ⁱⁱ A school shall adopt policies and procedures regarding the transportation of students to ensure compliance with the statutory and regulatory requirements for a transportation program.

The allocation of minimum program funds for pupil transportation shall be based on a formula for the distribution of available funds. A school that receives aid under T.C.A. § 49-10-113 shall operate in accordance with the Tennessee Children with Disabilities Transportation Act. The school shall keep records of transportation costs and the number of pupils transported on a monthly basis, and make such reports as required by the Commissioner of Education.

No school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage according to the rules and regulations of the State Board.ⁱⁱⁱ The school shall safely operate buses and transport students in accordance with state law.

School bus accidents shall be reported to the Department of Education, in the following manner^{iv}:

- (1) Pupil injury and/or fatality accidents: By telephone within twenty-four (24) hours of the accident; by written report within ten (10) days on the Department's provided School Bus Accident Report Form.
- (2) Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.

A school shall only operate buses that are approved under TRR/MS 0520-1-5-.01(8). All school buses purchased by a school or private contractor shall meet the Tennessee Minimum School Bus Standards approved by the State Board and all applicable federal motor vehicle safety standards. Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board but, because of special equipment, appropriate modifications shall be made for children with disabilities. All school buses shall be inspected, maintained, serviced, and operated in accordance with state law and State Board rules and regulations.^v

Bus Drivers.^{vi} A school shall select and hire school bus drivers in accordance with state law. The school shall submit annual reports on forms prescribed by the State Board verifying physical and mental examinations of school bus drivers, in accordance with state law.

The district will issue certificates authorizing a person to drive a school bus for an authorized charter school in accordance with state law and State Board transportation procedures.

Transportation of Students. A school, prior to the beginning of each school year or upon hire of a school bus driver during the school year, shall assure that every school bus driver knows and understands the school's policies and procedures concerning transportation, including, but not limited to, bus drivers' responsibilities and duties with regard to a student exiting a bus at a point other than the student's destination for the trip, in accordance with state law.

In accordance with state law, schools shall adopt policies and procedures for transportation of students, including the exiting of a school bus by a student at a point other than the student's destination for the trip. The policies and procedures shall at least require that a student whom a parent or guardian desires to exit a school bus at a destination other than the student's regular bus stop on the student's return bus route after dismissal of school shall provide the bus driver with a signed note from the parent or guardian informing the driver of the change in the student's bus stop for that day. The driver shall be required to turn the signed note over to the student's school principal or other school authority as soon as practicable after completion of the route. A school may adopt more stringent policies and procedures than the above requirements [with respect to a student's exiting the bus at a point other than the student's regular bus stop], including a policy that does not permit a student to exit at a point other than the student's regular bus stop.^{vii}

In accordance with state law, no school bus driver shall require or permit a student to exit a bus in violation of the school's policies and procedures. However, nothing shall prevent a school from adopting policies and procedures for management of unruly students on school buses, including the ejection of a student when necessary for the safety of other student passengers or the bus driver; provided, that the driver secures the safety of that student for the uncompleted trip. The school shall immediately review the fitness to drive of a school bus driver who permits or requires a student to exit a bus in violation of the school's policies and procedures.⁷

In accordance with state law, a driver shall report to school authorities as soon as possible, but no later than the end of the route, any student refusing to obey the driver and exiting the bus without the driver's permission at a point other than the student's destination for that trip.⁷

No pupil shall be allowed to remain in transit to or from school on a school bus more than one and one half (1 ½) hours in the morning or one and one half (1 ½) hours in the afternoon, in accordance with state law.^{viii}

A school bus shall at no time transport more pupils than the manufacturer's rated capacity for the bus, allowing no less than thirteen (13) linear inches of seat space for each pupil. The Commissioner of Education may, under rules and regulations prepared by the Commissioner and approved by the State Board, issue permits to a local board of education allowing the number of pupils transported on a school bus to exceed this limit, up to, but not to exceed, twenty percent (20%) of the manufacturer's rated capacity. In no event shall a permit be issued authorizing the loading of a school bus beyond the limits of safety.^{ix}

A school bus transporting pupils to and from school or on school-sponsored activity trips shall not exceed posted speed limits or a maximum speed of thirty-five (35) miles per hour on unpaved roadways.⁹

Legal References:

ⁱ T.C.A. § 49-13114

ⁱⁱ T.C.A. § 49-6-2109

ⁱⁱⁱ T.C.A. § 49-6-2111

^{iv} TRR/MS 0520-01-05-.01(2)(b)

^v TRR/MS 0520-01-05-.01(8); T.C.A. § 49-6-2114

^{vi} T.C.A. § 49-6-2107; T.C.A. § 49-6-2108

^{vii} T.C.A. § 49-6-2118

^{viii} T.C.A. § 49-6-2105

^{ix} T.C.A. § 49-6-2110